

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:94cr111-14

WALTER KENNEDY,
Petitioner,

Vs.

UNITED STATES OF AMERICA,
Respondent.

ORDER

This matter is before the Court upon the petitioner's *pro se* Motion to Vacate Reimbursement Order for Attorney's Fees. On August 17, 2004, this Court entered a Judgment on a supervised release violation by this Petitioner. The Judgment directed him to pay court appointed counsel fees in the amount of \$3,144.53. Petitioner now seeks to vacate this portion of the Judgment based upon the Fourth Circuit's holding in *United States v. Moore*, 666 F.3d 313 (4th Cir. 2012), in which the court held that a reimbursement determination must be based upon a specific finding that the defendant has the ability to pay. However, this Court is unaware of any case applying the requirements of *Moore* retroactively. Accordingly,

IT IS THEREFORE ORDERED that Petitioner's motion is hereby DENIED.

Signed: August 21, 2018



Graham C. Mullen
United States District Judge

